



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Elissa B. Jacobs
Special Federal Litigation Division
212-356-3540
Facsimile: (212) 356-3509
ejacobs@law.nyc.gov

September 15, 2016

BY ECF

Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Bertolino v. City of New York, et al., 15 Civ. 7327(RJS)

Your Honor:

I am an attorney in the office of the Corporation Counsel of the City of New York, counsel for defendants in this matter. I write jointly with plaintiff's counsel, Jeffrey Rothman, to respectfully request a three week extension of the discovery deadline in this case, from September 30, 2016 to October 21, 2016. No prior requests for an extension of the discovery deadline in this case have been made.

The parties in this case have been making efforts to complete discovery by the deadline that was set by the Court. The parties have taken the depositions of three parties, including one deposition which was conducted over two days. The parties have scheduled the depositions of two additional parties, a non-party police witness and a 30(b)(6) witness to be completed prior to the current close of discovery. However, there are several depositions we have not been able to schedule.

The attorneys in this case both had vacations scheduled in August and September that have made scheduling more complicated. We drew up a schedule that took into account these vacations as well as the discovery end-date. Some of the witnesses have been unavailable as the dates have drawn closer. In addition, the very first deposition had to be continued to a second date, bumping an officer who was set to be deposed in early August until just this week. The parties have making our best efforts to schedule the remaining depositions, including finding people to cover a deposition for me next week while I am out of the office. Despite this, we find ourselves needing the additional time.

The parties are requesting three additional weeks to complete these remaining depositions. While the parties had initially discussed requesting only two weeks, I will be

unavailable for some of that time due to religious holidays. We are therefore jointly requesting a three week extension of time to complete the remaining discovery in this case.

We thank the Court for its attention to this matter.

Respectfully submitted,

/S/

Elissa B. Jacobs
Attorney for Defendants

Respectfully submitted,

/S/

Jeffrey A. Rothman
Attorney for Plaintiff

IT IS HEREBY ORDERED that the deadline to complete discovery is adjourned to October 21, 2016. No further extensions will be granted absent truly compelling circumstances. IT IS FURTHER ORDERED that any party contemplating a post-discovery motion must submit a pre-motion letter no later than October 21, 2016. IT IS FURTHER ORDERED that the post-discovery conference is adjourned to November 18, 2016 at 10:30 a.m.

SO ORDERED

Dated:

9/16/16

RICHARD J. SULLIVAN
U.S.D.J.

MEMO ENDORSED

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